

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

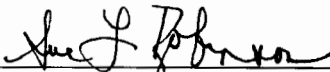
BENIHANA OF TOKOYO, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 10-1051-SLR
	)	
BENIHANA, INC., and	)	
NOODLE TIME, INC.,	)	
	)	
Defendants.	)	

**ORDER**

At Wilmington this 13<sup>th</sup> day of December, 2011, consistent with the memorandum opinion issued this same date;

IT IS ORDERED that:

1. Defendants' motion to dismiss (D.I. 11) is granted with respect to plaintiff's claims for breach of contract (including specific performance), false designation of origin (excluding false advertising) and foreign trademark infringement and is otherwise denied.
2. Plaintiff is granted leave to amend the complaint.

  
\_\_\_\_\_  
United States District Judge